

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Notice of Motion No. 2694 of 2005
In
Appeal (Lodging) No. 767 of 2005
In
Arbitration Petition No. 469 of 2003

The Municipal Corporation of Greater Mumbai	.. Appellant
V/s.	
Tripat Chamanlal	
Oberoia & Ors.	.. Respondents

Mr. U.J. Makhija with Mr. Pimple for the Appellant
Mr. Tanvi Shaikh i/b. Mr. S. Malik for the Respondent
No. 1

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 14.10.2005.

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondent No. 1. The learned counsel for the Appellant undertakes to file affidavit of service with regard to Respondent Nos. 2 to 5.

2. By this Notice of Motion, the Appellant is seeking condonation of 139 day's delay. For the reasons stated in the Affidavit in support, sufficient cause is made out. There is no case of inaction, negligence or want of bonafide. Notice of Motion is made absolute in terms of prayer clause (a) only.

3. Place the Appeal on Board for admission on 28.11.2005, subject to numbering.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)